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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JOHN ROBERT DEMOS,

9 Plaintiff,

v.

10 DONALD HOLBROOK,

11 Defendant.

CASE NO. C19-6253-BHS-TLF

ORDER ADOPTING REPORT  
AND RECOMMENDATION

12  
13 This matter comes before the Court on the Report and Recommendation (“R&R”)  
14 of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 2, and  
15 Plaintiff’s objections to the R&R, Dkt. 3.

16 On December 28, 2019, Plaintiff John Robert Demos (“Demos”) filed an  
17 application for leave to proceed *in forma pauperis* and a proposed 42 U.S.C. § 1983  
18 complaint. Dkts. 1, 1-1. On February 28, 2020, Judge Fricke issued the R&R  
19 recommending that the Court deny Demos’s application and dismiss the proposed  
20 complaint in accordance with this Court’s standing bar orders. Dkt. 2. On March 7,  
21 2020, Demos filed objections. Dkt. 3.

1 The district judge must determine de novo any part of the magistrate judge's  
2 disposition that has been properly objected to. The district judge may accept, reject, or  
3 modify the recommended disposition; receive further evidence; or return the matter to the  
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 Nothing in Demos's objections demonstrates that Judge Fricke's recommendation  
6 is in error. Pursuant to this Court's standing bar order, Demos is limited to three *in forma*  
7 *pauperis* applications and proposed actions per calendar year. *See In re John Robert*  
8 *Demos*, 91-mc-269-CRD (W.D. Wash. Jan. 16, 1992). As Judge Fricke correctly noted,  
9 Demos had already filed three *in forma pauperis* applications and proposed actions in  
10 2019. Dkt. 2 at 2. Additionally, Demos failed to satisfy the "imminent danger"  
11 requirement for three-strikes litigants under 28 U.S.C. § 1915(g). Therefore, the Court  
12 having considered the R&R, Demos's objections, and the remaining record, does hereby  
13 find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
- 15 (2) Demos's application to proceed *in forma pauperis* is **DENIED**;
- 16 (3) Demos's proposed complaint is **DISMISSED**; and
- 17 (4) The Clerk shall enter a **JUDGMENT** and close the case.

18 Dated this 14th day of April, 2020.

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20 BENJAMIN H. SETTLE  
21 United States District Judge  
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